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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,789	08/28/2001	Eiji Ueda	50023-148	2857

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EXAMINER
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CHANG, SHIRLEY

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<b>Application No.</b> 09/939,789	<b>Applicant(s)</b> UEDA, EIJI	
	<b>Examiner</b> Shirley Chang	<b>Art Unit</b> 2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5-7 and 10-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, 10-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
       Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
       Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Response to Arguments**

Applicant's arguments with respect to claims 1, 3, 6-7, 10, 11, 12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**1. Claims 1, 2, 5, 10-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikinis (5929849).**

As to claims 1 and 7, Kikinis discloses:

A receiving device receiving broadcasting programs, comprising: a broadcasting receiving unit (fig. 1, el. 11; col. 5, lines 34-41) operable to receive broadcasting data in which a plurality of content deciding data deciding positions of contents placed on a network content ('each frame has an associated data region with the image position and extent data, and the associated URL' col. 7, lines 10-28; col. 5, lines 34-41) is multiplexed with a scenario data indicating the order of using the content deciding data

and a broadcasting program associated with said content (each frame has an associated data region with the image position and the associated URL; since each frame has associated URLs, the order in which the enhanced data is displayed and/or accessed is related to the frames which enable the enhanced data to be selected; col. 7, lines 10-27);

A demultiplexing unit (fig. 1, el. 25, 13) operable to demultiplex the plurality of the content deciding data, the scenario data, and the broadcasting program from the broadcasting data received by the broadcasting receiving unit (fig. 1, MPEG decoder 25 and decoder tuner 13, fig. 1; col. 5, lines 41-55; col. 7, lines 47-56);

A data management unit operable to select one content deciding data after another from the plurality of content deciding data demultiplexed by the demultiplexing unit according to the scenario data demultiplexed by the demultiplexing unit (each frame has an associated data region with the image position and the associated URL; since each frame has associated URLs, the order in which the enhanced data is displayed and/or accessed is related to the frames which enable the enhanced data to be selected; col. 7, lines 10-27); and

A data communication unit operable to access one content based on the content after another based on the content deciding data selected by the data management unit (direct the user to the WEB; col. 7, lines 10-17; fig. 2C; col. 8, lines 1-37).

As to claim 2, Kinkinis discloses:

the demultiplexing unit (fig. 1, el. 25, 13) demultiplexes the plurality of content deciding data respectively from the broadcasting data when there is the plurality of the content deciding data in the broadcasting data (fig. 1, MPEG decoder 25 and decoder tuner 13, fig. 1; col. 5, lines 34-55; 'different entities associated with different URLs or different data locations'; col. 7, lines 10-17; col. 7, lines 47-56); further comprising:

a data management unit (fig. 1, el. 11) operable to select one and more content deciding data from the plurality of content deciding data demultiplexed by the demultiplexing unit according to a specific condition (the specific condition is related to the user selected which enhanced content to display col. 7, lines 10-17);

the data communication unit accesses to the contents based on the content deciding data selected by the data management unit ('direct the user to the WEB' col. 7, lines 10-17);

As to claim 5, Kikinis discloses:

the content deciding data deciding a position of content placed on the network is a Uniform Resource Locator (URL) ('each frame has an associated data region with the image position and extent data, and the associated URL' col. 7, lines 10-28; col. 5, lines 34-41).

As to claim 10, the method limitations are included and met as previously discussed in claims 1 and 7 since the Kikinis reference is directed towards a computer based system).

As to claim 11, the method limitations are included and met as previously discussed in claims 1 and 7 since the Kikinis reference is directed towards a computer based system which utilizes a storage medium such as ROM 47, DRAM 48, and CPU 19.

As to claim 12, the method limitations are included and met as previously discussed in claims 1 and 2 since the Kikinis reference is directed towards a data broadcasting receiving system (col. 5, lines 34-41).

As to claim 13, Kikinis discloses:

The scenario data includes data indication the display order of the plurality of contents corresponding to the plurality of contents deciding data, and data indicating a time for displaying content (time is defined as 'the point or period when something occurs'; each frame has an associated data region with the image position and the associated URL; since each frame has associated URLs, the order in which the enhanced data is displayed and/or accessed is related to the frames which enable the enhanced data to

be selected. Therefore, the point or period in which the enhanced data is displayed is indicated; col. 7, lines 10-27);

### **Claim Rejections - 35 U.S.C. § 103**

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. Claim(s) 3 and 6 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kikinis (5929849) in view of Feinleib (2004/0040042).**

As to claim 3,

Kikinis discloses:

the data management unit selected the content deciding data from the plurality of content deciding data demultiplexed by the demultiplexing unit (each frame has an associated data region with the image position and the associated URL; since each frame has associated URLs, the order in which the enhanced data is displayed and/or accessed is related to the frames which enable the enhanced data to be selected; col. 7, lines 10-27); and

The data communication unit accesses the content according to the content deciding data selected by the data management unit (direct the user to the WEB; col. 7, lines 10-17; fig. 2C; col. 8, lines 1-37).

Kikinis fails to specifically teach selecting based on data corresponding to an audio language outputted by the receiving device.

In an analogous art, Feinleib discloses selecting based on data corresponding to an audio language outputted by the receiving device (closed captioning does indeed 'correspond to an audio language outputted by the receiving device,' which the producer introduces enhanced content spoken by one or more characters; 'It is noted that, rather than the parser 60, other types of key phrase identifiers can be used to identify key phrases in the closed captioning script. For example, the processor might be directed to search the closed captioning script for a single word, or a set of words, spoken by one or more characters to which the producer wants to introduce enhancing content' [0059]; 'The client 22(1) is illustrated with two software programs: a closed captioning parser 110 and an HTML page with an embedded multicast listener 112. Each program is stored in program memory 96, loaded into volatile memory 94 when launched, and executed on the processor 92. The key phrase data file 62 is also shown stored in the program memory 96. The closed captioning parser 110 is configured to monitor the



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closed captioning script as the video program is played to detect the key phrases listed in data file 62' [0088]).

It would have been obvious to one of ordinary skill in the art to modify Kikinis' system to teach the data management unit selected the content deciding data corresponding to an audio language outputted by the receiving device from the plurality of content deciding data demultiplexed by the demultiplexing unit, as taught by Feinleib, so as to allow 'synchronize presentation of the enhancing content with specific scenes in the video programs' [0009].

As to claim 6,

Kikinis does not specifically disclose, the content deciding data deciding positions of contents placed on the network is a group of keywords. However, Feinleib discloses: positions of contents placed on the network is a group of keywords [0078].

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kikinis with Feinleib so as to 'synchronize presentation of the enhancing content with specific scenes in the video programs' [0009].

## **Conclusion**

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Chang whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SC

A handwritten signature in black ink, appearing to read 'Christopher Grant', is positioned above the printed name.

**CHRISTOPHER GRANT  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800**